

EPA Comments on September 26, 2012 version of Illinois EPA CAFO NPDES Permit SOP  
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EXAMPLE SECTION 5

This is one example of how Illinois EPA could edit Section 5 to clarify the process and connect the steps and timeframes provided in Section 5 to the Appendix F Timelines. Most of the language used in this Example Section 5 is from Illinois EPA's 9-26-12 version of the SOP. Minor edits (in track changes) were incorporated into this Example Section 5 to address some of EPA's 10-11-12 Track Change Comments. New sections are highlighted in gray. Note that EPA created these new sections as examples based on information contained in the 9-26-12 SOP. EPA expects that edits will be necessary to these new sections to accurately reflect Illinois EPA's actual process steps. The Days column was added to make sure the timeframes included in the Process Procedure steps are consistent with the Appendix F Timelines.

**Section 5: PROCESS PROCEDURES**

Days	Responsible Person	Steps
<b>APPLICATION RECEIVED</b>		
1-3	Unit Manager	Assign permit. <ul style="list-style-type: none"> <li>For new permit, review application and any other related documentation to determine appropriate assignment</li> <li>Notify Records Unit Clerk of permit assignments</li> <li>Assign permit and forward to Permit Section Clerk for login to CAFO tracker and forward to Permit Writer</li> <li></li> </ul>
	Permit Section Clerk	Receive application <ul style="list-style-type: none"> <li>Date stamp application</li> <li>Date stamp other submitted information to supplement application or associated correspondence</li> <li>Note receipt of application by comparing to permit tracking database</li> <li>For existing permit, refer to tracking database to recall permit assignment;</li> <li>Enter new application into CAFO tracker</li> <li>Enter revised application date into CAFO tracker</li> <li>Give new application to Records Unit Clerk</li> <li>Application forwarded to Permit Writer</li> </ul>
	Records Unit Clerk	Process application. <ul style="list-style-type: none"> <li>For new permit, assign permit number and log in application, using new number. NPDES permit numbers are assigned from a list of numbers. This list is kept by the Records Unit Clerk.</li> <li>New application, get assignment of permit application from Unit Manager</li> </ul>

		<ul style="list-style-type: none"> <li>Deliver <u>new</u> application to Permit Writer</li> </ul>
<b>COMPLETENESS REVIEW</b>		
4-30	Permit Writer	<p>Review application <u>for completeness</u>.</p> <ul style="list-style-type: none"> <li><del>Enter application revision dates and comments revisions into CAFO tracker, including telephone calls, emailed submissions of information or requests for information,</del></li> <li>Review the application for completeness within 30 days of receipt of application. <u>Appendix E provides review criteria.</u></li> <li><u>Determine if application is complete. If complete, follow steps below for Complete Permit Application. If application is incomplete, follow steps below for Incomplete Permit Application.</u> If minor deficiencies can be resolved by phone or email within 30 days of receipt of application contact applicant to obtain necessary information, otherwise draft and issue Notice of Incompleteness. NOI or PN to be issued within 60 days of receipt of application.</li> <li><u>Enter application revision dates and comments revisions into CAFO tracker, including telephone calls, emailed submissions of information or requests for information.</u></li> <li>Upon completion of review for completeness enter completeness review date in tracker or have Permit Section Clerk enter date.</li> </ul>
<b>COMPLETE PERMIT APPLICATION</b>		
31-37	Permit Writer	<ul style="list-style-type: none"> <li>Determine if new or expanded discharge and applicability of Antidegradation. If new or expanded and individual permit needed, refer to Standards Section Manager for receiving stream tier and antidegradation determination for individual permit.</li> <li>Review file for any pertinent issues that need to be addressed</li> <li>Review antidegradation analysis</li> <li>Assemble all pertinent information to be included in the permit and/or the rationale</li> <li>Write review notes for the file to document and assemble the information necessary for permit development</li> <li>Develop permit conditions for individual permit. <ul style="list-style-type: none"> <li>Review 40 CFR to determine any applicable technology-based limits</li> <li>Determine and apply any other special conditions (compliance schedules, stream monitoring, etc.), as</li> </ul> </li> </ul>

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		<p>necessary</p> <ul style="list-style-type: none"> <li>• Prepare first draft individual permit or letters for general permit coverage notice and related standard correspondence</li> <li>• Prepare the cover letter for the individual draft permit, the letters to F&amp;W Service, the Corps of Engineers and any other party that will receive the 15 day or 30-day notice and the cover letter for the final permit</li> <li>• Once review is complete, forward application, drafted letters, draft permit (if individual permit) and the Antidegradation to the Unit Manager for sign off on Public Notice for general permit coverage or 15 day notice for individual permit coverage. For general permit coverage include draft letters to: applicant, Corps of Engineers, Fish and Wildlife Service, memo to FOS, and final permit coverage letter. For individual permit coverage include draft letters for 15 day notice –Corps of Engineers, memo to FOS, and applicant; for 30 day notice – Fish and Wildlife Service and applicant.</li> </ul>
38-60	Unit Manager	<p>Review draft permit or general permit coverage notice letters.</p> <ul style="list-style-type: none"> <li>• Review file and draft permit or general permit coverage letters</li> <li>• Provide comments and mark needed revisions</li> <li>• If revisions are needed, return permit file and draft to Permit Writer within 15 days of receipt from permit writer.</li> <li>• Note returned file may need Notice of Incompleteness prepared- this return of file should be completed within 15 days from permit writer to allow preparation of NOI for issuance within 60 days of receipt of application.</li> <li>• If no revisions are needed, sign appropriate letters for 15- or 30-day notice, initial and date the processing sheet and place the file in the Permit Section Clerk's in-box</li> </ul>
	Permit Writer	<p>If revisions to the draft permit or letters are needed, receive file from Unit Manager and comments on draft permit or letters.  Review any comments from Unit Manager</p> <ul style="list-style-type: none"> <li>• Make necessary corrections and return permit file and revised draft to Unit Manager within 5 days of receipt from Unit Manager.</li> <li>• If Unit Manager recommends an NOI follow Process Procedure steps below for Incomplete Permit Application.</li> </ul>
	Unit Manager	<ul style="list-style-type: none"> <li>• Review revisions to draft permit or general permit coverage notice letters and assure that all revisions are appropriate.</li> </ul>

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		<ul style="list-style-type: none"><li>sign appropriate letters, initial and date the processing sheet and place the file in the Permit Section Clerk’s in-box</li></ul>
	Permit Section Clerk	Place draft on public notice within 5 days of receipt from Unit Manager. <ul style="list-style-type: none"><li>Prepare formal public notice for publication</li><li>Send copy of application and appropriate documents to be posted on Agency web site</li><li>Place application file in designated filing area to hold until the public notice comment period has ended</li><li>Return application file to Permit Writer after notice period has expired</li><li>log date of public notice into CAFO tracker</li></ul>
61-90 if no NOI; 151-180 if one NOI; 211-240 if second NOI	<b>PUBLIC NOTICE AND COMMENT PERIOD</b>	
<b>NO PUBLIC COMMENTS RECEIVED</b>		
91-93 if no NOI; 181-183 if one NOI; 241-243 if second NOI	Permit Writer	: prepare final permit and associated letters, date and sign the Processing Form, and route to Unit Manager for final review. <ul style="list-style-type: none"><li></li></ul>
94-100 if no NOI; 184-190 if one NOI; 244–250 if second NOI	Unit Manager	<ul style="list-style-type: none"><li>Review final permit/application/NMP and associated letters within 5 days of receipt from permit writer.</li><li>If no corrections are needed, initial and date the Processing Form and forward to Section Manager within 5 days of receipt from permit writer.</li><li>If any corrections are needed return to permit writer for corrections.</li></ul>
	Permit Writer	<ul style="list-style-type: none"><li>Make any necessary corrections identified by Unit Manager. Re-initial and sign the Processing Form and return to Unit Manager.</li></ul>
	Unit Manager	<ul style="list-style-type: none"><li>Review revisions to final permit package. Initial and date the Processing Form and forward to Section Manager.</li></ul>
	Section Manager	<ul style="list-style-type: none"><li>Review final permit/application/NMP within 5 days of receipt from unit manager.</li></ul>

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		<ul style="list-style-type: none"> <li>• Review permit for completeness and accuracy.</li> <li>• Check the issuance, effective date and expiration dates on the cover page</li> <li>• For NPDES permits, sign the cover letter and permit</li> <li>• Initial and date the Processing Form then forward all permit files and Processing Form to Permit Section Clerk</li> </ul>
101-105 if no NOI; 191-195 if one NOI; 251-255 if second NOI	Permit Section Clerk	<p>Final permit action should be completed within 5 days of receipt of signed permit.</p> <ul style="list-style-type: none"> <li>• Make copies of signed permit for the appropriate DWPC FOS Regional Office, for the official file, and, for those instances where the discharge may have an impact on a neighboring state, for the appropriate state water pollution control agency</li> <li>• Mail copies</li> <li>• Make the necessary log entries in ICIS, CAFO tracker and other appropriate databases</li> <li>• Initial and date Processing Form upon issuance</li> <li>• Return the permit file to Records Unit</li> <li>•</li> </ul>
<b>PUBLIC COMMENTS RECEIVED</b>		
91-120 if no NOI; 181-210 if one NOI; 241-270 if second NOI	Permit Writer	<p>Revise draft permit and/or prepare final permit.</p> <ul style="list-style-type: none"> <li>• Review any comments from the public. Prepare response letters as necessary for the Section Manager's signature and if appropriate, make revisions to the draft permit, have applicant revise application or nutrient management plan.</li> <li>• Review any comments from the permittee and make appropriate revisions to the draft individual permit</li> <li>• Prepare responses to comments received during the 30-day notice. Individual response letters to be prepared, unless individual permit and hearing held, then responsiveness summary after hearing.</li> <li>• Review and resolve any comments from the EPA and make revisions to the draft permit if needed</li> <li>• Prepare letters for the Section Manager's signature which outlines the specific requests and the Division's action regarding each request</li> <li>• Route the permit file with the revised permit/application/NMP and any response letters to the Unit Manager</li> <li>• If any requests for a public hearing are made, forward any such requests to the Unit Manager, including a recommendation as to whether or not a public hearing is</li> </ul>

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		<p>warranted</p> <ul style="list-style-type: none"> <li>Determine if revisions to the draft permit/application/NMP warrant an additional comment period. Advise Unit Manager of appropriate course of action</li> <li>Send to all documents to the Unit Manager for final review</li> <li></li> </ul>
121-175 if no NOI; 211-265 if one NOI; 271-325 if second NOI	Unit Manager	<p>Review revised draft permit/application/NMP and response letters within 5 days of receipt from permit writer.</p> <ul style="list-style-type: none"> <li>Review revised draft permit/application/NMP and any response letters and mark any necessary corrections, return to permit writer within 5 days</li> <li>If no corrections needed, Forward to Section Manager within 5 days</li> <li></li> </ul>
	Permit Writer	<ul style="list-style-type: none"> <li>Make any necessary corrections identified by Unit Manager. Re-initial and sign the Processing Form and return to Unit Manager.</li> </ul>
	Unit Manager	<ul style="list-style-type: none"> <li>Review revisions to final permit package. Initial and date the Processing Form and forward to Section Manager within 5 days.</li> </ul>
	Section Manager	<p>Review revised draft permit/application/NMP and response letters within 5 days of receipt from unit manager.</p> <ul style="list-style-type: none"> <li>Review revised draft permit/application/NMP and any response letters and mark any necessary corrections, return to unit manager or permit writer within 5 days</li> <li>If a public hearing is appropriate, instruct the Permit Writer to schedule one, return permit file and draft permit/application/NMP to Permit Writer. Section Manager confirms decision to hold or not hold hearing Manager or higher level of management as needed</li> <li>Determine if an additional comment period is needed</li> <li>Review permit/application/NMP for completeness and accuracy</li> <li>Check the issuance, effective and expiration dates on the cover page</li> <li>For NPDES permits, sign the cover letter and the permit</li> <li>Forward all permit files to the Permit Section Clerk</li> </ul>
176-180 if no NOI; 266-270 if one NOI; 326-330	Permit Section Clerk	<p>Final permit action should be completed within 5 days of receipt of signed permit.</p> <ul style="list-style-type: none"> <li>Make copies of signed permit for the appropriate DWPC FOS Regional Office, for the official file, and, for those instances where the discharge may have an impact on a</li> </ul>

**Comment [jsocha2]:** Process Procedures should include steps for the public hearing and/or additional public notice or reference where these process steps can be found.

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if second NOI		<p>neighboring state, for the appropriate state water pollution control agency</p> <ul style="list-style-type: none"> <li>• Mail copies</li> <li>• Make the necessary log entries in ICIS, CAFO tracker and other appropriate databases</li> <li>• Return the permit file to Records Unit</li> </ul>
<b>INCOMPLETE PERMIT APPLICATION</b>		
31-45	Permit Writer	<ul style="list-style-type: none"> <li>• If application is incomplete, issue a Notice of Incompleteness. If minor deficiencies can be resolved by phone or email within 30 days of receipt of application contact applicant to obtain necessary information, otherwise draft and issue Notice of Incompleteness.</li> <li>• If Notice of Incompleteness is required draft Notice of Incompleteness for Permit Writer or Unit Manager signature.</li> <li>• If Notice of Incompleteness is for unit Manager submit Notice of Incompleteness to Unit Manager.</li> <li>• Notice of Incompleteness <del>or Public Notice</del> must be issued within 60 days of receipt of application. Notice of Incompleteness must request response within 30 days of date of Notice of Incompleteness.</li> </ul>
46-60	Unit Manager	<ul style="list-style-type: none"> <li>• Review draft NOI.</li> <li>• If revisions are needed, return to permit writer with comments</li> <li>• If no revisions are needed, sign NOI and place the file in the permit Section Clerk's in box.</li> </ul>
	Permit Writer	<p>If revisions to NOI are needed after Unit Manager review, receive file from Unit Manager and comments on draft NOI. Review any comments from Unit Manager</p> <p>Make necessary corrections and return revised letter to Unit Manager for signature.</p>
	Unit Manager	<ul style="list-style-type: none"> <li>• Review revised draft NOI to assure that all revisions are appropriate.</li> <li>• Sign NOI and place in the file in the permit section clerk's in box</li> </ul>
	Permit Section Clerk	<p>issue Notice of Incompleteness within 5 days of receipt from Unit Manager.</p> <ul style="list-style-type: none"> <li>• If Notice of Incompleteness is signed, make copies, log out in CAFO tracker and mail out appropriate copies</li> </ul>

**Comment [jsocha3]:** Need to add criteria for determining who will sign NOI.

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61-90	APPLICANT RESPONSE TO NOI	
91-93	Permit Section Clerk	Log Response to NOI in CAFO Tracker Distribute response to permit writer
93-135	Permit Writer	Review Response to NOI <ul style="list-style-type: none"> <li>• Determine if response to NOI is complete</li> <li>• If response is complete, prepare recommendation for public notice to Unit Manager. Permit writer should also complete the steps to complete a draft permit as described above in the steps associated with Days 31-37 of COMPLETE PERMIT APPLICATION.</li> <li>• If response is incomplete, determine if second NOI should be issued. Confer with US EPA if permit application was submitted to Illinois EPA in response to US EPA enforcement action to determine if referral to EPA or second NOI is most appropriate action. If second NOI is determined appropriate, second NOI should be issued by Day 135, including Unit Manager review and processing by Permit Section Clerk. If recommending VN or referral to Illinois AG or US EPA, prepare recommendation for Unit Manager review.</li> </ul> <b>IF SECOND NOI IS ISSUED FOLLOW PROCEDURE PROCESS STEPS BELOW FOR APPLICANT RESPONSE TO SECOND NOI</b>
136-145 if one NOI	Unit Manager	If response to NOI complete, review recommendation for public notice, draft permit package. Provide any comments to permit writer. If response to NOI incomplete, review recommendation for VN or referral. Take appropriate action to process or submit recommendation for VN or referral to Compliance Assurance Section or Division of Legal Counsel, Illinois AG or US EPA.
	Permit Writer	Address Unit Manager comments and return for review
	Unit Manager	Final review and sign off of public notice package, draft permit, letters, initial and date Processing Form, etc. Give to Permit Section Clerk to issue public notice
146-150 if one NOI	Permit Section Clerk	Place draft permit on public notice within 5 days of receipt from Unit Manager. <ul style="list-style-type: none"> <li>• Prepare formal public notice for publication</li> <li>• Send copy of application, and if applicable revised application, and other appropriate documents to be posted on Agency website.</li> <li>• Place application file in designated filing area to hold until the public notice comment period has ended.</li> </ul>



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		<ul style="list-style-type: none"> <li>Return application file to permit writer after notice period has expired.</li> <li>Log date of public notice into CAFO tracker.</li> </ul>
	<b>PROCEDURE PROCESS STEPS FOR PUBLIC NOTICE AND COMMENT PERIOD AND NO PUBLIC COMMENTS RECEIVED OR PUBLIC COMMENTS RECEIVED, AS APPLICABLE, SHOULD BE FOLLOWED FROM THIS POINT FORWARD.</b>	
136-165 if second NOI	<b>APPLICANT RESPONSE TO SECOND NOI</b>	
166-195 if second NOI	Permit Writer	Review response to second NOI <ul style="list-style-type: none"> <li>Determine if response to second NOI is complete</li> <li>If response is complete, prepare recommendation for public notice to Unit Manager. Permit writer should also complete the steps to complete a draft permit as described above in the steps associated with Days 31-37 of COMPLETE PERMIT APPLICATION.</li> <li>If response is incomplete prepare recommendation to Unit Manager for either a VN, referral to US EPA, or referral to Illinois AG. No additional NOIs should be issued.</li> </ul>
196-205 if second NOI	Unit Manager	Review recommendation for public notice, VN, or referral. Provide any comments to permit writer.
	Permit Writer	Address Unit Manager comments on recommendation and return to Unit Manager for review.
	Unit Manager	If proceeding to public notice: Final review and sign off of public notice package, draft permit letters, initial and date Processing Form, etc. Give to Permit Section Clerk to issue public notice If recommending VN or referral ....
206-210 if second NOI	Permit Section Clerk	Place draft permit on public notice within 5 days of Unit Manager. <ul style="list-style-type: none"> <li>Prepare formal public notice for publication</li> <li>Send copy of application, and if applicable revised application, and other appropriate documents to be posted on Agency website.</li> <li>Place application file in designated filing area to hold until the public notice comment period has ended.</li> <li>Return application file to permit writer after notice period has expired.</li> </ul> Log date of public notice into CAFO tracker.  If proceeding to VN or referral, log date of VN or referral into CAFO tracker.

**Comment [jsocha4]:** Need to add applicable process procedure steps for requesting VN or referral. If appropriate place these steps with a different responsible party.

**IF PROCEEDING TO PUBLIC NOTICE AFTER SECOND NOI, PROCEDURE  
PROCESS STEPS FOR PUBLIC NOTICE AND COMMENT PERIOD AND NO PUBLIC  
COMMENTS RECEIVED OR PUBLIC COMMENTS RECEIVED, AS APPLICABLE,  
SHOULD BE FOLLOWED FROM THIS POINT FORWARD.**